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AND IS NOT BINDING PRECEDENT OF THE BOARD

Paper No. 20

Filed by: Trial Section Merits Panel
Administrative Patent Judge
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CARLO FERRERO

Junior Party
(Patent No. Des. 382,119)¹,

v.

KENNETH E. BREDENDICK, EDWARD J. GIESLER, Sr.,
CHESTER W. GOODING, Jr., and KAMBIZ B. MAKOUJ,

Senior Party
(Application Nos. 29/091,903,
29/091,905, and 29/091,906)²

Patent Interference No. 104,488

¹ Filed on April 17, 1995. Assigned to Kimberly-Clark Tissue Company.

² All applications are filed on August 7, 1998 and assigned to Fort James Corporation. All applications are accorded benefit of the earlier filing dates of (1) application 08/969,693, filed November 13, 1997; (2) application 08/654,877, filed May 29, 1996; (3) application 08/487,861, filed June 7, 1995, now Patent No. 5,861,081, issued January 19, 1999; and (4) application 08/038,982, filed March 29, 1993, now Patent No. 5,458,950, issued October 17, 1995.

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Ferrero v. Bredendick

Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT

On March 8, 2000, junior party Ferrero filed a paper entitled "Concession of Priority," requesting entry of adverse judgment against party Ferrero with respect to its sole claim designated as corresponding to the count. The request is deemed a request for entry of judgment with respect to the subject matter of the count, since judgment as to priority is entered with respect to counts, not claims. The request is granted.

Accordingly, it is

ORDERED that judgment as to the subject matter of the count is hereby entered against junior party Ferrero;

FURTHER ORDERED that the junior party CARLO FERRERO is not entitled to the sole claim in its Design Patent No. 382,119;

FURTHER ORDERED that judgment as to the subject matter of the count is entered in favor of the senior party Bredendick;

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FURTHER ORDERED that on this record the senior party
KENNETH E. BREDENDICK, EDWARD J. GIESLER, Sr., CHESTER W.
GOODING, Jr., and KAMBIZ B. MAKOUI, is entitled to the sole
claim in its design patent application 29/091,903, the sole
claim in its design patent application 29/091,905, and the
sole claim in its design patent application 29/091,906; and

FURTHER ORDERED that if there is a settlement agreement,
attention is directed to 35 U.S.C. § 135(c) and 37 CFR §
1.661.

	_____))	
	RICHARD E. SCHAFER)	
	Administrative Patent Judge))	
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	_____))	
PATENT	JAMESON LEE)	BOARD OF
	Administrative Patent Judge))	APPEALS
))	AND
))	INTERFERENCES
	_____))	
	RICHARD TORCZON)	
	Administrative Patent Judge)	

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By Federal Express

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